REMARKS

Claims 1, 6, 8, 10, 12 and 20-33 remain pending in the present application. The claims have not been amended in response to this Office Action.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller (U.S. Pat. No. 6,667,555) in view of Antonovsky (U.S. Pat. No. 6,612,410) and in view of Williams, et al. (U.S. Pat. No. 5,098,119). Claims 12, 20, 21 and 26-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Grundei, et al. (U.S. Pat. No. 5,971,117), in view of Antonovsky, and in view of Williams, et al. (U.S. Pat. No. 5,098,119). Applicant respectfully traverses this rejection.

Miller, et al. discloses a pressure tube forming a working chamber, a piston dividing the working chamber into an upper working chamber and a lower working chamber, a valve for controlling the flow of damping fluid through the piston and Miller, et al. discusses a pneumatic signal from an external source. Miller, et al. does not disclose an electronic valve, a pressurized gas as the damping medium, a source of the pressurized gas separate from the working chamber and a pressure control unit. The Examiner then cites Antonovsky to find all the missing elements except the electronic valve.

Antonovsky discloses a compressed gas accumulator which receives the gas from the shock absorber during a compression stroke and returns the gas to the shock absorber during an extension stroke. Claim 1 defines a sensor monitoring an operating condition associated with the damper and that the control of the pressure of the

pressurized gas by the pressure control unit that is in communication with the sensor is based upon the operating condition monitored by the sensor.

As discussed by the Examiner, Miller failed to disclose a sensor monitoring an operating condition associated with the damper to control damping characteristics associated with the damper. The Examiner then went to Williams, et al. where the Examiner stated that Williams, et al. teaches the use of sensors 56, 58 monitoring operating conditions associated with the damper.

The problem with this interpretation is that Williams, et al. does not disclose a suspension system that uses dampers, it discloses a suspension system that replaces the shock absorbers (dampers) with linear actuators. As defined in column 1, lines 35-38 in Williams, et al., rather than a shock absorber, as found in a passive system, an active system utilizes a hydraulic servo-actuator. As defined in column 2, lines 35-36, the invention of Williams, et al. provides active control of the suspension system using a linear actuator (column 2, lines 48, 49). The pressure sensor 56 and the displacement sensor 58 measure the pressure and movement of piston 20 which is part of a linear actuator 12 of Williams, et al. The control of the system in Williams, et al. includes three main tasks; regulation of pressure common to the four RAMs 40, control of the positions of the pistons 54 of the fluid RAMs 40 and control of the electronically controlled valves 34.

Williams, et al. does not disclose, discuss or suggest controlling the pressure of the gas in the working chambers of a damper in order to control damping characteristics of the damper. Williams, et al. does not even disclose a damper.

Thus, Applicant believes Claim 1 patentably distinguishes over the art of record. Likewise, Claims 12 and 23-25, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 20 and 21 have been amended similar to Claim 1 and thus, the above discussion regarding Miller, Antonovsky and Williams, et al. applies here also. Grundei, et al. does not disclose an externally controlled valve or a sensor in communication with a pressure control unit.

Thus, Applicant believes Claims 20 and 21 patentably distinguish over the art of record. Likewise, Claims 26-33, which ultimately depend from Claim 20 or Claim 21, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJOINDER

Applicant respectfully requests the rejoinder of Claims 6, 8 and 10.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 5, 2008

By: _____
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg